



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 1

STRATEGIC FRAMEWORK FOR TERTIARY EDUCATION AND RESEARCH

Compatibility with charity law

19 Compatibility with charity law and governing documents of tertiary education providers

- (1) Nothing in this Act confers power on the Commission or on the Welsh Ministers to require the governing body of a tertiary education provider to do anything that is incompatible with—
 - (a) any legal obligation or legal restriction that applies to the governing body by virtue of the provider being a charity, or
 - (b) the governing documents of the provider.
- (2) For the purposes of subsection (1), the governing documents of a tertiary education provider are—
 - (a) in the case of a provider established by Royal Charter—
 - (i) the provider's Charter, and
 - (ii) any instrument relating to the conduct of the provider the making or amendment of which requires the approval of the Privy Council;
 - (b) in the case of a provider conducted by a higher education corporation (within the meaning given by section 90(1) of the [Further and Higher Education Act 1992 \(c. 13\)](#)), the corporation's instrument of government and articles of government;
 - (c) in the case of a provider conducted by a further education corporation (within the meaning given by section 17(1) of the Further and Higher

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Cross Heading: Compatibility with charity law. (See end of Document for details)

- Education Act 1992), the corporation's instrument of government and articles of government;
- (d) in the case of a provider that is an institution designated under section 129 of the [Education Reform Act 1988 \(c. 40\)](#) or section 28 of the Further and Higher Education Act 1992, the provider's instrument of government and articles of government;
 - (e) in the case of a provider that is a school, the school's instrument of government (if any);
 - (f) in the case of a provider that is conducted by a company, the company's memorandum and articles of association.

Commencement Information

- I1** S. 19 not in force at Royal Assent, see [s. 148\(2\)](#)
- I2** [S. 19](#) in force at 4.9.2023 by [S.I. 2023/919](#), [art. 2\(e\)](#)

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